

AMENDED IN ASSEMBLY JANUARY 7, 2002

AMENDED IN ASSEMBLY APRIL 18, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1336

Introduced by Assembly Member Koretz
(Coauthor: Senator O’Connell)

February 23, 2001

An act to add Section 122137 to the Health and Safety Code, relating to pet ~~shops~~ *dealers*.

LEGISLATIVE COUNSEL’S DIGEST

AB 1336, as amended, Koretz. Pet ~~shops~~ *dealers*.

~~Existing law prohibits any public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group from selling or giving away to a new owner any dog or cat that has not been spayed or neutered.~~

~~This bill would prohibit pet stores from selling, adopting out, transferring, or giving away any dog or cat that has not been spayed or neutered. This bill would require pet shops to have the operation performed by a veterinarian, as specified, and to give the purchaser written proof of spaying or neutering. This bill would make any violation of those requirements subject to civil penalties.~~

Existing law regulates the retail sale of dogs and cats by a pet dealer, as defined. Existing law in this regard includes, but is not limited to, a requirement that the dealer provide written information to purchasers relating to various subjects, such as breeder information, illnesses, and immunization records.

This bill would require every pet dealer to deliver to the purchaser of each dog or cat written material containing information on the benefits of spaying and neutering, and other specified subjects.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature finds and declares as follows:*

2 (a) *Consumers who purchase dogs and cats from retail pet*
3 *dealers should be informed of the benefits of spaying and*
4 *neutering, and the importance of establishing a relationship with*
5 *a veterinarian. When feasible, pet dealers should offer incentives*
6 *to purchasers, upon proof of spaying and neutering services.*

7 (b) *To facilitate and encourage dog licensing, pet dealers*
8 *should promote licensure compliance. Moreover, it may be*
9 *desirable for local animal control agencies to investigate the sale*
10 *of licenses through pet shops since these businesses already serve*
11 *a large number of pet owners through the sale of pet supplies.*

12 SEC. 2. Section 122137 is added to the Health and Safety
13 Code, to read:

14 ~~122137. (a) No pet store shall sell, adopt out, transfer, or give~~
15 ~~away any dog or cat of any age that has not been spayed or~~
16 ~~neutered. The pet store shall have the operation performed by a~~
17 ~~veterinarian licensed in the state in which the surgery is performed.~~
18 ~~The pet store shall give the prospective owner or purchaser written~~
19 ~~proof of spaying or neutering.~~

20 ~~(b) Any dog or cat that is ill and therefore unfit for spay or~~
21 ~~neuter surgery shall be held by the pet store and treated humanely,~~
22 ~~pursuant to this article, until a licensed veterinarian declares the~~
23 ~~dog or cat fit to undergo the surgery.~~

24 ~~(c) The pet store shall not sell, adopt out, transfer, or give away~~
25 ~~a dog or cat for at least 24 hours following spay or neuter surgery~~
26 ~~or until a licensed veterinarian declares the dog or cat recovered~~
27 ~~from the surgery and fit to be sold, adopted, transferred, or given~~
28 ~~away. The pet store shall hold the animal under humane~~
29 ~~conditions, pursuant to this article, during that time period until the~~
30 ~~animal is sold, transferred, adopted, or given away.~~

31 ~~(d) Any violation of this section shall be subject to civil~~
32 ~~penalties as set forth in Section 122205.~~

1 122137. Every pet dealer shall deliver to the purchaser of
2 each dog or cat at the time of sale, written material, in a form
3 determined by the pet dealer, containing information on the
4 benefits of spaying and neutering. The written material shall
5 include recommendations on establishing a relationship with a
6 veterinarian, information on early-age spaying and neutering, the
7 health benefits associated with spaying and neutering pets, the
8 importance of minimizing the risk of homeless or unwanted
9 animals, and the need to comply with applicable license laws.

